

ENTERED

February 29, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:14-CR-664-1
	§	
JONATHAN CABELLO-CASTILLO	§	

ORDER

Jonathan Cabello-Castillo filed a letter motion requesting appointment of counsel to assist him against his complaint against the prison administration where he is held. D.E. 42. He complains that he is not being allowed to work, and instead is being forced to take education classes by his case manager.

The relief Cabello-Castillo seeks is available, if at all, by a petition pursuant to 28 U.S.C. § 2241. *See Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000) (a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is the appropriate vehicle in which “a sentenced prisoner attacks the manner in which a sentence is carried out or the . . . determination of its duration”) (internal citations omitted); *McIntosh v. Tamez*, 477 Fed. App’x. 168, 169 (5th Cir. May 1, 2012) (per curiam) (designated unpublished). Such a motion must be brought in the district where the defendant is incarcerated. *See Pack*, 218 F.3d at 451.


The return address on Cabello-Castillo’s current motion reflects that he is incarcerated in Eden, Texas, which is located in Concho County, Texas and is within the San Angelo Division of the Northern District of Texas. Assuming Cabello-Castillo remains incarcerated in that facility, he should file any § 2241 petition in the Northern District of Texas, after first exhausting his administrative remedies.¹ Because he has not exhausted his administrative remedies, his

¹ The law requires that a defendant exhaust available administrative remedies through the Bureau of

motion for appointment of counsel is not ripe and this Court does not have jurisdiction over any complaint pursuant to § 2241.

Cabello-Castillo's motion (D.E. 42) for appointment of counsel is DISMISSED. This Court expresses no opinion on the merits of his complaint.

SIGNED and ORDERED this 29th day of February, 2016.



Janis Graham Jack
Senior United States District Judge

Prisons before litigating the computation of sentence in federal court. *United States v. Wilson*, 503 U.S. 329, 335 (1992).